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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-373
)	
)	JOINT STIPULATION AND
Plaintiff,)	[PROPOSED] ORDER RESETTNG
)	STATUS CONFERENCE DATE
vs.)	
)	
)	
JOHN ROSCOE, et al,)	
)	
Defendants)	

The United States of America, by Eumi Choi, Assistant United States Attorney, defendant John Roscoe, by and through his attorney Peter A. Leeming, and defendant Ned Roscoe, by and through his attorney Mark Eibert, hereby enter into this joint stipulation.

1 The parties stipulate, and ask the Court to adopt as its
2 FINDINGS that:
3

4 1. This matter involves allegations of bank fraud
5 extending over several years. The government has charged that the
6 defendants misstated the value of inventory in their
7 approximately 1,000 small stores and by doing so obtained credit
8 exceeding an amount approved by the lender. The case is complex
9 and it is expected that discovery will be voluminous.
10

11 2. Counsel for the government and counsel for defendant
12 Ned Roscoe have both become attorney of record fairly recently.
13 At the last status conference hearing, counsel for all parties
14 agreed to meet and confer on outstanding discovery issues. In
15 addition, it has become apparent that it will be necessary to
16 arrange a collective meeting where all counsel can inspect
17 material in the possession of the FBI. However, Counsel for Ned
18 Roscoe has not been able to participate in such a conference
19 because he has had to file several opening briefs in the Ninth
20 Circuit.
21

22 3. All counsel agree that review of the documentary
23 evidence in the possession of the FBI is necessary before
24 deciding how this case should proceed.
25

26 4. The parties therefore agree to and request that the
27 Court Order that:
28

1 1. The current hearing date of May 5, 2008 be vacated, and
2
3 a new date of June 30, 2008, at 9:00 AM be set for status.

4 2. That the time between May 5, 2008 and June 30, 2008 be
5 excluded as an exclusion of time is appropriate and necessary
6 under Title 18, United States Code, Section 3161(h)(8), and
7 because the ends of justice served by this continuance outweigh
8 the best interest of the public and the defendant in a speedy
9 trial.
10

11
12 IT IS SO STIPULATED
13

14
15 Dated: May 1, 2008 By: _____/s/_____
16 EUMI CHOI, Assistant United
 States Attorney
17

18
19 Dated: May 1, 2008 By: _____/S/_____
20 PETER A. LEEMING, attorney
 for defendant John Roscoe

21 Dated: May 1, 2008 By: _____/S/_____
22 MARK EIBERT, attorney
23 for defendant Ned Roscoe
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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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8 UNITED STATES OF AMERICA,) No. CR 07-373
9 Plaintiff,)
10 vs.) **[] ORDER VACATING**
11) **STATUS CONFERENCE DATE AND**
12 JOHN ROSCOE, et al,) **SETTING NEW DATE**
13)
14 Defendants)
_____)

15
16
17 ORDER

18 For the reasons stated in the above Stipulation, the Court
19 orders that that the currently set motion hearing date of May 5,
20 2008 is VACATED, and that the case is set for hearing on any
21 motions on June 30 2008, at 9:00 AM for the reasons set forth
22 above.

23 IT IS SO ORDERED.

24 Dated: 5/14/08

25 
26 _____
27 U. S. District Judge
28